

DIAA Board of Directors' Meeting Minutes
November 12, 2009 – 9:00 a.m.
Collette Building

I. Opening

A. Call to Order

The meeting was called to order at 9:00 a.m. by DIAA Chairperson Gerald Kobasa.

B. Roll Call

The following DIAA Board members were present: Gerald Kobasa, Michael Wagner, Curtis Bedford, Eugene Montano, Edna Cale, Debbie Corrado, Joan Samonisky, Harvey Hyland, Susan Coffing, Robert Reed, Dr. Jeffrey Hawtof, Woody Long, Randall O'Neal, Ron Eby, Catherine Marvel, Dianne Sole, Teresa Taylor, and Dr. George Stone. Kevin Charles, Executive Director; and John Hindman, Deputy Attorney General were also in attendance. Mike Modica and Dr. Michael Owens were unable to attend.

C. Approval of Agenda

Ms. Cale made a motion to approve the agenda. The motion was seconded by Ms. Samonisky and carried unanimously.

D. Approval of Minutes of October 8, 2009 Board of Directors' Meeting

Mr. Eby made a motion to approve the minutes of the October 8, 2009 Board of Directors meeting. The motion was seconded by Mr. Reed and carried unanimously.

E. DIAA Financial Report

Mr. Charles commented that as of November 5 income was \$141,809 is just under 20% of the projected income for the year. Mr. Charles stated that the sources for the income were from tournament fees, member school dues, and officials dues. Mr. Charles stated that the expenses were \$261,433 which was 36% of the projected expenses for the year. Mr. Charles stated that the expenses included tournament preparations such as officials fees, timing services and the contract with DSU for the football tournament. Mr. Charles stated that we are in the red which is normal for this time of the year. In a response to a question from a Board member Mr. Charles stated that there are less than ten schools that have not yet paid their member dues. Ms. Samonisky made a motion to approve the financial report. The motion was seconded by Mr. Long and carried unanimously.

III. Action Items

A. Approval of Tournament Sanctions

Mr. Charles stated that there are 31 sanction requests which include cross country, basketball, indoor track, wrestling, softball, and outdoor track. Mr. Charles stated that they are all in compliance with NFHS and DIAA regulations and the applications are available for the Board's review. Ms. Marvel made a motion to approve the sanction events. The motion was seconded by Dr. Hawtof and carried unanimously.

E. Request for Membership by Prestige Academy

Mr. Charles stated that this request was being postponed by Prestige Academy until the December meeting.

F. Request for approval of Senior All-Star Volleyball Match

Mr. Charles explained that this was the annual request for the Senior All-Star Volleyball Match to be held Saturday, November 21, 2009 at Wesley College. Mr. Charles stated that all the proceeds go to cover the expenses of the tournament. Ms. Corrado made a motion to approve the event. The motion was seconded by Mr. Bedford and carried unanimously.

G. Request for Approval of Senior All-Star Field Hockey Game

Mr. Charles explained that this was the annual request for the Senior All-Star Field Hockey Game to be played at Archmere Academy on November 22, 2009. Mr. Charles stated that all proceeds go to cover the expenses for the event. Dr. Hawtof made a motion to approve the event. The motion was seconded by Mr. Long and carried unanimously.

H. Self-Report by Brandywine High School

Mr. Charles explained that Brandywine High School had a soccer player recently transfer into their school who practiced all pre-season and participated in two games. Mr. Charles commented that Brandywine had discovered that the mother of the student provided a false residency address in an intentional attempt to deceive the school. Mr. Charles stated that according to our regulations when this happens the student is suspended for an equivalent number of days; would have been an ineligible athlete; and, Brandywine would be required to forfeit the games that the student

participated in. Mr. Charles stated that Brandywine did suspend the student for 28 days and they did forfeit the two games the player participated in. Mr. Eby made a motion to accept the penalty applied by the school. The motion was seconded by Ms. Cale and carried unanimously.

I. Self-Report by Caesar Rodney High School

Mr. Charles explained that this was a self-report by Caesar Rodney High School in field hockey. Mr. Charles stated that a student participated in a field hockey game on October 20, 2009 who did not meet the attendance requirement for Caesar Rodney High School the day of the game. Mr. Charles stated that the athletic director at Caesar Rodney High School self-reported to the DIAA office and to Smyrna High School and forfeited that game. Dr. Hawtof made a motion to accept the penalty by Caesar Rodney High School. The motion was seconded by Ms. Samonisky and carried unanimously.

J. Request to Modify NFHS Swim Rule 4-1-5 by DSDOA

Mr. Neubauer explained that the Delaware Swimming and Diving Officials Association was requesting the option to have their officials wear white polo-style shirts and navy slacks with white shoes as a uniform option. Mr. Charles stated that this is an allowable rules modification within the NFHS Rules but does require state association adoption. Dr. Hawtof made a motion to approve this request. The motion was seconded by Ms. Cale and carried unanimously.

IV. Executive Director Report

B. Misc.

Mr. Charles reviewed a letter sent to Mr. Bill Vaughn who is one of the owners of TGI Fridays. Mr. Charles stated that Mr. Vaughn agreed to sponsor the student scholar athlete award certificate. Mr. Charles stated that DIAA discontinued sending them out due to state imposed restrictions on printing non-essential materials. Mr. Vaughn and TGI Fridays' generous donation has enabled DIAA to continue this program. DIAA member schools and their students appreciate the support.

D. Letter From William Legge

Mr. Charles explained that this letter was generated by a statement that was made at the October Board meeting. Mr. Charles stated that William Penn has a higher standard for academic eligibility than DIAA. They also have waiver provision which allows a one - time waiver of a student who is academically ineligible by William Penn's standard provided the student is eligible by DIAA standards. Mr. Charles stated that Mr. Legge just wanted to share William Penn's policy so the Board has a clear understanding of it.

B. Misc.

Mr. Charles commented on an article in USA Today that discussed the athletic directors at the collegiate level recommending NCAA costs cuts. Mr. Charles stated that he wanted to share this with the Board because it was very consistent with what this Board did last April and that the fiscal downturn is affecting everyone.

Mr. Charles commented on an article in the News Journal that stated that Ms. Samonisky was retiring from coaching at Sanford School.

IV. C. Fall Tournaments

Mr. Neubauer commented that two areas targeted by the DIAA office for cost savings which were tickets and programs. Mr. Neubauer explained that DIAA's former ticket company went out of business and DIAA was contacted by a ticket manufacturer. Mr. Neubauer stated DIAA went to a more generic ticket and projects that the cost saving will be about \$16,000 per year. Mr. Neubauer commented that we also went with Websites4sports to put together and print the programs. Mr. Charles stated that the change is a significant savings for DIAA in both labor and print costs. It is estimated the change will save over \$30,000.

III. Action Items

B. Request for Waiver of DIAA Reg. 1009.2.4 by Middletown HS for S.C.

Student's parents requested a closed hearing. Ms. Coffing made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Reed and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Mr. Kobasa explained that DIAA is a 20 member Board and has 19 voting members. Mr. Kobasa further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Mr. Kobasa explained there are 16 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in. Mr. Hindman reviewed all documents pertaining to this request.

Dr. Hawtof made a motion to go into deliberation. The motion was seconded by Ms. Samonisky and carried unanimously. Deliberations were held. Dr. Hawtof made a motion to come out of deliberation. The motion was seconded by Ms. Samonisky and carried unanimously. Mr. Eby made a motion to come out of executive session. The

motion was seconded by Mr. O'Neal and carried unanimously.

Dr. Hawtof made a motion to deny the waiver based on the evidence given and that no clear hardship was provided. The motion was seconded by Mr. Eby and carried by a vote of 10 – yes (Kobasa, Wagner, Bedford, Montano, Corrado, Samonisky, Coffing, Hawtof, O'Neal, and Eby), 5 – no (Marvel, Hyland, Taylor, Reed, and Long), and 1 – recusal (Cale).

C. Request for Waiver of DIAA Reg. 1008.2.7 by Fifer MS for C.B.

Student's parents requested a closed hearing. Mr. Reed made a motion to go into executive session for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Ms. Coffing and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Mr. Kobasa explained that DIAA is a 20 member Board and has 19 voting members. Mr. Kobasa further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Mr. Kobasa explained there are 18 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. All persons participating in this hearing were sworn in. Mr. Hindman reviewed all documents pertaining to this request.

Ms. Coffing made a motion to come out of executive session. The motion was seconded by Mr. Bedford and carried unanimously.

Dr. Hawtof made a motion to grant the waiver only for basketball based on testimony given and that a clear hardship was proven. The motion was seconded by Ms. Corrado and carried unanimously.

D. Request for Waiver of DIAA Reg. 1009.2.4 by Maurice Moyer Academy for K.D.

Kevin Davis; student, Stacey Key-Davis; parent, Sandra Cox; Special Education Specialist at Maurice Moyer Academy, and Dale Weaver; Associate Dean of Students at Maurice Moyer Academy were in attendance to present this request. The parent requested an open hearing.

Mr. Kobasa explained that DIAA is a 20 member Board and has 19 voting members. Mr. Kobasa further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Mr. Kobasa explained there are 17 voting members participating and present to consider this matter. The parties confirmed that they understood and wished to proceed. All

persons participating in this hearing were sworn in. Mr. Weaver explained that Mr. Davis applied to Moyer Academy as a senior and would be transferring from Hodgson Vo-Tech. Mr. Weaver explained that the transfer was because Mr. Davis was no longer pursuing a vocational program as well as the fact that Mr. Davis's IEP was not being met at Hodgson. Ms. Key-Davis explained that she wanted to prepare her son for the next level of education. Mr. Davis commented that at Moyer Academy he receives more support and has brought his grades up and is also in an honors class. Mr. Davis stated that Moyer Academy is challenging him. Ms. Cox stated that she works with Mr. Davis and he gets a lot of support from all of his teachers. Ms. Key-Davis stated that on several occasions she approached Hodgson about his IEP and commented that the school was more worried about his behavior. Mr. Davis commented that he felt paranoid at Hodgson and that he could not focus on his school work. Ms. Key-Davis stated that she wanted her son in an environment where he could learn and he could not learn at Hodgson. Mr. Weaver commented that Mr. Davis is academically eligible. Ms. Cox stated that the classrooms at Moyer Academy are smaller and that the teachers can give Mr. Davis more attention and keep him on task.

Dr. Stone made a motion to grant the waiver request based on the fact that the transfer was not for athletic advantage and based upon the goals of the IEP and that the individualized attention at the new school will be more beneficial to him academically. The motion was seconded by Ms. Cale and carried by a vote of 15 – yes (Samonisky, Marvel, Hyland, Coffing, Taylor, Reed, Hawtof, Long, Stone, O'Neal, Eby, Kobasa, Wagner, Cale, and Corrado) and 2 – no (Sole and Bedford)

V. Other

VI. Public Comment

None.

VII. Adjournment

Dr. Hawtof made a motion to adjourn at 11:45 a.m. The motion was seconded by Ms. Coffing and carried unanimously.

Tina Hurley

Executive Session Minutes

III. Action Items

III. B. Request for Waiver of DIAA Reg. 1009.2.4 by Middletown HS for S.C.

During executive session the Board heard testimony from the father, student, and athletic director regarding incidents that occurred at Salesianum School which led to the father withdrawing his son from Salesianum and enrolling him into Middletown. A letter included in the packet from Salesianum stated that due to the incidents that occurred with student, student could no longer continue as a student at Salesianum. Testimony was also given regarding the joint custody for student between parents and that the court gave physical placement with the mom but due to the incidents they agreed that the student should live with the father. The athletic director testified that the move was not for athletic reasons and that Middletown's wrestling program was not as good as Salesianum's.

III. C. Request for Waiver of DIAA Reg. 1008.2.7 by Fifer MS for C.B.

During executive session the Board heard testimony from the parents, student and the athletic director. The parents explained that they held student back in the 6th grade so that he could bring up his grades and that they wanted him to mature more. The parents also explained that the student was under stress because they were going through a divorce and he was living with his grandmother.